

REMARKS**STATUS OF CLAIMS**

In accordance with the foregoing, claims 3, 9, 16 and 20 have been amended. Claims 3, 4, 5, 9, 10, 11, 16, 17, 20 and 21 are pending and under consideration.

REJECTION UNDER 35 U.S.C. §103

ITEM 8: REJECTION OF claims 3-5, 9-11, 16-17 and 20-21 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER SIVULA (U.S. PATENT 6,795,711) IN VIEW OF HICKS, III (US PUBLICATION 2004-0261112A1) and further in view of ADACHI (US PATENT 6,829,474)

The rejection is respectfully traversed.

Amended independent claim 3 recites “a content data providing information processing apparatus which provides said content data and which is different from said first information processing apparatus, *wherein the content data is provided by said content data providing information processing apparatus, in response to the receipt, from said processor, of said transmitted content identification and said transmitted address of said receiving device, to said receiving device over said broadband network.*”

Amended independent claim 9 recites “said processor transmitting a content capturing request including the content identification to said receiving device over said broadband network, *wherein the content data is received by said receiving device over said broadband network, in response to the receipt, from said processor, of said transmitted content identification and said transmitted address of said receiving device, from a content data providing information processing apparatus which is different from said first information processing apparatus.*”

Neither Sivula, Hicks, nor Adachi, taken individually or in combination, disclose or suggest all of the features of amended claims 3 and 9.

The Office acknowledges that Sivula does not specifically disclose “the content data information processing apparatus is different from said first information processing apparatus.”

Hicks discloses that an entertainment system can provide access to multimedia content over a broadband data network coupled to a variety of information appliances but fails to disclose or suggest the above-identified features.

Adachi does not disclose or suggest “a content data providing information processing apparatus which provides said content data and which is different from said first information

processing apparatus, *wherein the content data is provided by said content data providing information processing apparatus, in response to the receipt, from said processor, of said transmitted content identification and said transmitted address of said receiving device, to said receiving device over said broadband network*” as recited in amended claim 3, or “*wherein the content data is received by said receiving device over said broadband network, in response to the receipt, from said processor, of said transmitted content identification and said transmitted address of said receiving device, from a content data providing information processing apparatus which is different from said first information processing apparatus*” as recited in amended claim 9.

Applicants respectfully direct the Office’s attention to lines 6-10 of column 5 of Adachi which discloses “the service controller 11 combines value-added services provided by the value-added service server 3 depending on a service call to provide integrated services to the user. As described later, a scenario for each user can be created and stored in the personal database 10.” Thus, in Adachi the control server 1 does not provide value-added services to a receiving device in response to the receipt of said transmitted content identification and said transmitted address of said receiving device received from the value-added service server 3, but rather the control server 1 in Adachi provides value-added services based on its own personal database 10.

In view of the above, it is respectfully submitted that claims 3 and 9 should be allowable. Similarly, it is respectfully submitted independent claims 16 and 20 should be allowable. Other claims 4-5, 10-11, 17 and 21 depend from claims 3, 9, 16 and 20 and should be also allowable.

In addition to the foregoing, it is also submitted that prima facie obviousness of the combinations relied upon has not been demonstrated. The Action instead relies on the clearly deficient contention that “it would have been obvious to one of ordinary skill in the art...” to combine the separate teachings of the references relied upon in the combination in support of the rejection.

For example, in Item 8, Sivula is conceded not to specifically disclose that the content data information processing apparatus is different from said first information processing apparatus. Adachi then is asserted to disclose a content data information processing apparatus different from said first information processing apparatus. On that basis, the Examiner asserts “it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine these teachings for enlarging the content and services offered to customers.”

However, there is no demonstration of how to combine the respective teachings, much less that one would be motivated to combine those teachings, since there is no disclosed basis to employ two separate apparatus for the purpose of allowing a user in any mobile environment to direct the transmission of large quantities and varied types of content data.

Moreover, none of the three cited references recognize or address a problem solved by the present application, which is to “make it possible for a user in any mobile environment to download content data from a server to a particular information processing device” as described in the present application on page 2, lines 19-21. Neither Hicks nor Adachi address operating in a mobile environment and Sivula addresses the “adaption of special content messages between mobile telephones of different capabilities” as disclosed in the abstract.

The remaining rejections as to claims 4 and 10 and 5 and 11, 16-17 and 20-22, on page 5 of the Office Action, inherit the deficiencies and defectiveness of the rejections of the claims from which they depend and, accordingly, it is submitted to be clear that there is no identification of motivation to effect the combinations relied upon in the rejections and the same accordingly are defective and should be withdrawn.

It is submitted that the Action fails to satisfy the requirement of a prima facie demonstration of obviousness of the combination and, instead, relies on the discredited bare contention that the combination “would have been obvious to one of ordinary skill in the art....” See MPEP 706.02(j) which emphasizes that the Examiner should set forth in the Office Action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the

prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

CONCLUSION

It is submitted that the foregoing has demonstrated that the pending claims distinguish patentably over the art and rejections of record.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 19, 2006

By: 

David J. Cutitta
Registration No. 52,790

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501